

COMMENTARY ON CANON 4

Background

Canons determine the governance of the Church and so need to be written with precision and clarity, but the resulting text can appear opaque to the non-specialist reader. This Commentary provides a users' guide and checklist on Canon 4 to help all involved in an Episcopal election from the announcement of a vacancy to the consecration and installation of a new Bishop.

Electing a Bishop is one of the most important moments in the life of a Diocese. The process is crucially different to appointing senior executives in the public and private sector. The election of a Bishop is primarily an exercise in discernment which places it in a very different realm. Accordingly, all involved in an election will be given appropriate training. Separate guidance on this will be made available in advance of an election.

The text below follows each individual section in the Canon. Each is cross-referenced by the numeral for the relevant section.

DEFINITIONS (Section 1)

The process of election involves several bodies – the Standing Committee of the Diocese, members of the Electoral Synod, Provincial Panel for Episcopal Elections, members of the Preparatory Committee, Convener of the Electoral Synod, College of Bishops, an Assessor, and Registrar of the Episcopal Synod. Each of these has a distinctive role:

- Standing Committee is the body authorized by the Diocesan Synod to take decisions on behalf of the Synod between its meetings.
- Electoral Synod comprises clerical and lay members drawn from the diocese solely responsible for electing a Bishop unless an agreed candidate fails to emerge.
- Provincial Panel for Episcopal Elections provides a list of names from which Provincial members of the Preparatory Committee may be drawn.
- Preparatory Committee invites nominations and compiles a short-list of candidates for the Electoral Synod.
- Convener of the Electoral Synod, normally the Primus, chairs all meetings of the Electoral Synod and the Preparatory Committee.
- College of Bishops attends the first meeting of the Electoral Synod, confirms the suitability of candidates proposed by the Preparatory Committee and elects a Bishop should the Diocese on two occasions fail to do so.
- Assessor is a legally qualified individual who advises the Convener.
- Registrar of the Episcopal Synod handles any appeals against the conduct of the election for adjudication by the Episcopal Synod.
- Episcopal Synod is a meeting of the College of Bishops specifically convened to elect a Bishop.

PRELIMINARIES (Sections 2 to 5)

Confidentiality and disposal of documentation (2)

Confidentiality is to be exercised throughout the election. All involved – members of the Preparatory Committee, Electoral Synod and College of Bishops, diocesan or other staff – must not share any information about the process, with any other persons. The names of candidates will be revealed only to members of the above groups; all papers relating to them will be kept strictly confidential, and will be returned, destroyed or deleted at the end of the election.

Provincial panel for Episcopal Elections (3)

Each member of the panel currently serves for four years, renewable for an additional four years. Five members of the panel serve for each episcopal election.

Oversight during vacancy and Description of the Diocese (4)

Once a vacancy is announced, several actions are initiated. An interim Bishop of the Diocese is appointed to act during the vacancy. The Standing Committee compiles a document setting out the diocesan vision and objectives over the medium-term. Training for members of the Electoral Synod and the Preparatory Committee on the Electoral Process and discernment for the calling of a Bishop is promoted by the Standing Committee and will be provided by the province.

Issue of the Mandate (5)

The election is initiated when the Primus issues the Mandate (a legal document) normally to the Dean.

THE ELECTORAL SYNOD (Sections 6 to 12)

Convenership of the Electoral Synod (6)

The Primus convenes all meetings of the Electoral Synod from issuing the Mandate to announcing the final result. Should the Primus not be available, another Diocesan Bishop is appointed. The Convener is responsible for organising all meetings, assisted by the Standing Committee.

Assessor (7)

The Assessor is normally the Chancellor of the Diocese, failing whom a legally qualified alternate may be appointed.

Membership of the Electoral Synod (8)

The Electoral Synod comprises clerical and lay members of the Diocesan Synod in post when the Mandate is issued. Clerics who become candidates are required to step down as electors; but if subsequently not on the short list, they are re-instated. Normally each charge within the Diocese is represented by its Rector or Priest in Charge and the Lay Representative. Should any Lay Representative be unavailable, arrangements exist for the Alternate Lay Representative to be appointed.

Division into Houses (9)

The Electoral Synod comprises two houses: the house of Clergy and the house of Laity. For most of the election the Synod operates as a single body, but when a vote is taken, these are recorded separately by house. If required, the Synod can divide into two houses for discussion under a Convener elected by members of the relevant house.

Preliminary Meeting of the Electoral Synod (10)

The formal summoning of the Preliminary Meeting is made by the Convener either by electronic communication or by letter (if requested). The Summons will include copies of the Mandate, Canon 4, Commentary and Guidelines plus the diocesan documents referred to in the Guidelines. The meeting will take place within 21 days of issuing of the Summons.

Attendance at the Preliminary Meeting is expected by (i) members of the Electoral Synod, (ii) all members of the College of Bishops, and (iii) all members of the Preparatory Committee. Whilst members of all three groups may contribute to the discussion, only members of the Electoral Synod have a vote. Attendance by the College of Bishops and provincial members of the Preparatory Committee informs later discussion and decisions.

Procedures of the Preliminary Meeting (11)

The Preliminary Meeting familiarises all involved with their respective roles and tasks and agrees a timetable. Following a celebration of the Eucharist, reading of the Mandate and checking the roll of Electors, the Convener invites discussion on the diocesan documents.

Discernment should be at the heart of this discussion re-enforcing the distinction between calling a candidate to a vacant bishopric and filling a senior executive appointment in secular employment. At a later stage this does not preclude the use of well-tested methods, such as questionnaires and interviews.

If not elected at the immediately preceding Diocesan Synod, two additional clerical members and two additional lay members should be elected at this meeting to join the Preparatory Committee as diocesan representatives.

Timetabling by Preliminary Meeting and Stages of the election (12)

The Mandate covers all stages in the election with a timetable agreed at the Preliminary meeting. The timetable may be extended but the election must be concluded within one year of the date of the vacancy

The Canon streamlines former practice by identifying three Stages in the election now initiated under a single Mandate.

- **First Stage:** an election following receipt of a short-list from the Preparatory Committee and a meeting with the candidates.
If following the first Stage, there be neither a short-list nor a preferred candidate
- **Second Stage:** an election following receipt of a short-list from the Preparatory Committee and a meeting with the candidates.
if following the second Stage, there be neither a short-list nor a preferred candidate
- **Third Stage:** an election by the Episcopal Synod.

Quorum (13) and validity of proceedings (14)

The Diocesan Constitution normally defines the quorum for all meetings, failing which the number shall be one half of those entitled to vote. Should any member involved in the election fail to attend a meeting, this does not affect the validity of that meeting's proceedings.

PREPARATORY COMMITTEE FOR A DIOCESAN EPISCOPAL ELECTION

Membership (15)

The Preparatory Committee comprises a Bishop as Convener, a second Bishop, five members drawn from the Provincial Panel and four members directly elected by the Diocese. The five members representing the provincial interest are the Convener, a second Bishop plus three members drawn from the Provincial Panel but from outwith the Diocese. In terms of diocesan representation, two members (one clerical and one lay) are drawn from the Provincial Panel, and four members (two clerical and two lay) are elected by the Diocese. With five provincial members and six diocesan members, provincial interests will be addressed, but the Diocese will have a majority reflecting its historic role in the election of its Bishop. No charge can have more than one member on the Preparatory Committee.

Work of the Preparatory Committee (16)

The task of the Preparatory Committee is to invite nominations and prepare a short-list of candidates to present to the Electoral Synod. In the secular world this group screens job applications and produces a short-list.

Nominations should include the candidate's CV and a willingness to stand. The Preparatory Committee may decide to issue a questionnaire and interview candidates. Should at any stage in the process a member of the Preparatory Committee become a candidate, a new member is selected from either the Provincial Panel or, for a diocesan representative, by the Standing Committee.

At the first Stage the short-list comprises between three and five names, but at the second Stage this comprises between two and five names. This flexibility is designed initially to produce a wide range

of candidates, or at the second Stage two appointable candidates to be submitted to the Electoral Synod.

Assent of the College of Bishops (17)

The Canon includes assent by the College of Bishops to reflect the diverse roles of a Bishop within the Province and wider world alongside that in the Diocese. The assent is placed at this stage in the election so it can be undertaken discretely and to minimise its impact on an individual candidate.

Promises to and Statements by Candidates (18)

Any form of lobbying or self-promotion by a candidate or supporters is prohibited. On examining such alleged behaviour, the Electoral Synod may choose to remove the candidate from further consideration.

THE MEETING OF THE ELECTORAL SYNOD WITH THE CANDIDATES (Sections 19 and 20)

The Meeting commences with a celebration of the Eucharist (19) followed by a reading of the Mandate and checking of the roll of Electors (20). The Convener then introduces each candidate in turn.

THE ELECTORAL MEETING (Sections 21-28)

Following a celebration of the Eucharist (21) the Convener constitutes the Electoral meeting. Each of the following sections defines procedures to be followed during the Electoral meeting namely: a reading of the Mandate and checking of the roll of Electors (22); handling use of the “None” vote (23); any adjournment of the meeting (24); initial votes (25); use of a transferable vote (26); final vote (27); and declaration of election by the Electoral Synod (28).

Voting procedures during the election: 25, 26, 27

The Synod votes by houses with each member casting one vote (25). Should there be no majority in either house, Synod members may cast their vote a second time (25). Should there still be no majority, transferable votes will be cast, with the option of ‘None’ being included (26). This vote requires Synod members to rank the candidates in order of preference, with the candidate with the lowest number of first preference votes being excluded. That candidate’s votes are then redistributed based on second preferences. Should no preferred candidate in both houses emerge, this process continues until only two candidates remain (26). At this point a final round of voting is called using a ‘first past the post’ system for the two remaining candidates (26). Should votes under Sections 25 and 26 not produce a candidate with a majority in both houses, the Convener may call an adjournment following which a final vote is taken (27).

This system of voting is designed to maximise the chances of an election by the Electoral Synod. Should this not prove possible, the election moves to the third Stage (12) and the task of election passes to the Episcopal Synod.

PROCEDURES FOLLOWING SUCCESSFUL VOTE OR ELECTION BY THE EPISCOPAL SYNOD Sections 28-31

Following a successful vote, the Convener declares the result of the election and communicates this to the Bishop-Elect, the Registrar of the Episcopal Synod and the Diocesan Registrar (28).

Should the right of election pass to the Episcopal Synod (29), its members will meet with the diocesan members of the Preparatory Committee, before proceeding with the election. The purpose of this meeting will be to explore the names of potential candidates without prejudice to the final decision announced by the Episcopal Synod. Following election by the Episcopal Synod, the decision is communicated to the Bishop-Elect, the Registrar of the Episcopal Synod and the Diocesan Registrar (30).

On acceptance by the Bishop-Elect **(31)** the Convener makes this public, potentially on the day of the Electoral Meeting. Should the Bishop-Elect decline to accept, the next Stage in the Election is initiated. This may involve moving either to the second Stage or the third Stage in the agreed timetable **(12)**. Should all Stages become exhausted, a Mandate for a new election is issued.

EPISCOPAL ORDINATION AND INSTALLATION: Sections 32 and 33

The arrangements for the ordination and installation of the elected Bishop falls to the College of Bishops which will consult with the Diocese in terms of the arrangements. This normally will take place within 100 days of the acceptance of election **(32)**. Once installed the new Bishop will take over jurisdiction within the Diocese **(33)**.

OBJECTIONS TO PROCEEDINGS OF ELECTORAL SYNOD: Sections 34 and 35

Any question on order or process arising during the election will be resolved by the Convener of the Electoral Synod during its proceedings. Appeals relating to the proceedings of the election must have been made at the relevant meeting of the Electoral Synod. Such an appeal must be forwarded to the Registrar of the Episcopal Synod within four-days of the meeting to which it refers and supported by at least one third of members of the Electoral Synod present. The decision of the Episcopal Synod shall be final **(34)**. Following an appeal, the Episcopal Synod may either reject it and declare that the election stands or accept the appeal and declare the election void **(35)**.

24th January 2023